

### REMARKS

Reconsideration of the rejections set forth in the Office Action mailed January 14, 2005, is respectfully requested. Claims 32 and 37-43 have been canceled. Claims 1, 3, 8, 10, 12-15, 18, 21-24, 26-31, 33, and 35-36 have been amended. Support for these amendments can be found in the specification at, e.g., paragraph [0064] to paragraph [0068] and Fig. 3A. Therefore, no new matter was added with these amendments. Claims 1-31 and 33-36 remain pending in this application.

#### Double Patenting

Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claim 1 of co-pending Application no. 10/114,712 (Our Ref: 032,290-091) in view of Stinson et al USP 6,340,367). Applicants respectfully assert that claim 1, as currently amended, is patentably distinct from claim 1 of the '712 application. Therefore, applicants respectfully request withdrawal of the rejection and reconsideration of the claims as amended.

#### Art Rejections

Claims 1-15 and 19-43 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Stinson et al. (USP 6,340,367). Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Stinson et al., and further in view of Roth et al. (USP 5,665,063). Claim 18 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Stinson et al., and further in view of Wolff et al. (USP 5,997,468). Applicants have amended claim 1 to require "*at least two separate bioabsorbable bodies*" and "*at least one detectable marker affixed*

*to a surface of or disposed within at least one of the at least two separate bioabsorbable bodies."*

Applicants respectfully assert that none of the cited references teach or suggest all of the limitations of the currently amended claims.

Claim 1 is therefore patentably distinct from the cited art. Claims 2-43 are dependent on claim 1, and are therefore patentably distinct from the cited art for the same reasons.

For all the foregoing reasons, Applicant asserts the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant's undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,  
O'MELVENY & MYERS LLP

Dated: April 14, 2005

By: Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550  
Attorneys for Applicants

DKW/cp

O'Melveny & Myers LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618-3315  
(949) 737-2900